IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21489 of 2001

Between:

Md.Riyazuddin, S/o. Ahmeduddin,
R/o. H.No.1-3-123, New Bus Depot,
Nirmal, ADILABAD.

..... PETITIONER

AND

1 The Industrial Tribunal cum Labour Court, Rep. by its Presiding Officer, Godavari Khani.

2 The A.P.S.R.T.C., Rep. by its Depot Manager,
Nirmal Depot, Nirmal,
Adilabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Certiorari quashing the Award of the Industrial Tribunal cum Labour Court, Godavarikhani dt. 15.5.2001 in I.D.No.101 of 1999 and consequently direct the respondent corporation to reinstate the petitioner into the service with all consequential benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: SMT.P.RAJANI REDDY, STANDING COUNSEL FOR APSRTC

The Court made the following :

ORDER

Heard Mr.G.Vidyasagar, learned counsel for the petitioner and also Smt.P.Rajani Reddy, learned Standing Counsel appearing on behalf of the 2nd respondent corporation and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner herein, who is the driver of the 2nd respondent corporation filed this Writ Petition *inter alia* seeking to assail the award passed by the 1st respondent in I.D.No.101 of 1999 dated 15-05-2001.

The case of the petitioner in brief is that he was initially appointed as Casual driver at Nirmal depot in the year 1990 and subsequently he was regularized in the year 1999. However, on certain allegations made in respect of the incident occurred on 25-02-1998, disciplinary action was initiated against the petitioner apart from criminal side. He was initially suspended on 05-03-1998. Subsequently a chargesheet was issued and an enquiry was conducted. After considering the explanation of the petitioner and also material on record, he was removed from service as per the orders dated 22-08-1998. Hence he sought a reference under Section 2-A (2) of the Industrial Disputes Act, 1947. Thereupon, the 1st respondent took up the case and ultimately passed a Nil award rejecting the application of the petitioner.

On considering the submissions made across the bar and on perusal of record, it is seen that there was no proper enquiry nor due consideration of the basic principles involved. Considering the dispute as already settled by various Courts including the Apex Court in ***The Cooper Engineering Limited v P.P.Mundhe***, there is no finding as contemplated there under neither in regard to the validity of the enquiry nor any enquiry as such either on merits or in regard to Section 11 of the Act. On the face of it, the impugned order is in the teeth of mandate as laid down in the aforesaid decision of the Apex Court. In view of the same, the matter requires to be reconsidered afresh on merits.

Accordingly, the Writ Petition is allowed and the impugned order, dated 15-05-2001 is set aside. The matter is remitted back to the 1st respondent for fresh consideration and disposal on merits in accordance with law after giving notice

and opportunity to both sides. The 1st respondent shall dispose of the same within a period of two months from the date of receipt of a copy of this order. No costs.

11-03-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the Eleventh day of March, 2005.

Asst. Registrar

To

1 The Presiding Officer, Industrial Tribunal cum Labour Court, Godavari Khani.

2 The Depot Manager, A.P.S.R.T.C., ,
Nirmal Depot, Nirmal,
Adilabad District.

3 2 C. Cs to G.P. for Labour, High Court buildings, Hyderabad (OUT)

4 2 CD copies.